THE BOMBAY REVENUE TRIBUNAL ACT, 1939.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II.

CONSTITUTION, POWERS AND FUNCTIONS OF THE BOMBAY REVENUE TRIBUNAL.

3. Constitution of Tribunal.
4. Powers and functions of the Tribunal.
5. The Tribunal to exercise all powers which Provincial Government could have exercised.
6. No appeal to lie.
7. Review of the orders of the Tribunal.
8. Appeal and application for revision in cases under this Act to lie direct to the Tribunal.
9. Abolition of the Bombay Revenue Tribunal constituted by Government Notification (Revenue Department), No. 4877/33, dated the 1st April 1937 and disposal of pending cases.
10. Manner of executing orders passed by Tribunal.

CHAPTER III.

MISCELLANEOUS.

11. Exemption from court-fees.
12. Rules.
13. Regulations for the business and procedure of the Tribunal.

BOMBAY ACT No. XII OF 1939.[1]

[THE BOMBAY REVENUE TRIBUNAL ACT, 1939.]

[*29th May 1939.*]

An Act to provide for the constitution of a Revenue Tribunal for the Province of Bombay.

WHEREAS it is expedient to provide for the constitution of a Revenue Tribunal for the Province of Bombay by an Act of the Provincial Legislature; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Revenue Tribunal Act, 1939.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Commissioner" includes a Commissioner appointed as such under the Bombay Abkari Act, 1878, for the purposes of that Act.

Bom. V of 1878.

(*2*) "Prescribed" means prescribed by rules made under this Act.

(*3*) "Schedule" means the Schedule to this Act.

(*4*) "Tribunal" means the Bombay Revenue Tribunal constituted under section 3.

CHAPTER II.

CONSTITUTION, POWERS AND FUNCTIONS OF THE BOMBAY REVENUE TRIBUNAL.

Constitution of Tribunal.

3. (*1*) The Provincial Government shall constitute a tribunal to be called the Bombay Revenue Tribunal. The Tribunal shall consist of such number of members, possessing such qualifications, as may be prescribed.

(*2*) Any vacancy in the membership of the Tribunal shall be filled up in the manner prescribed.

Powers and functions of the Tribunal.

4. (*1*) The Tribunal shall exercise such jurisdiction to entertain appeals and revise decisions in revenue cases as was vested in the Provincial Government immediately before the first day of April 1937 under any law for the time being in force.

(*2*) In particular and without prejudice to the generality of the foregoing provision the Tribunal shall have jurisdiction to entertain appeals and revise decisions—

(*a*) in all revenue cases, arising under the provisions of the enactments specified in the Schedule in which such jurisdiction was vested in the Provincial Government immediately before the first day of April 1937, and

(*b*) in all cases specified in section 9.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1939, Part V, pp. 76–77 *or* Bombay Legislative Assembly Debates, 1939, Vol. 5, pp. 3678–79 *or* Bombay Legislative Council Debates, 1939, Vol. 6, p. 772; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1939, Vol. 5, pp. 3091–3104 and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1939, Vol. 6, pp. 610-621.

(*3*) Save as expressly provided in any enactment for the time being in force, the Provincial Government may, by notification in the Official Gazette, direct by general or special order that the Tribunal shall also have jurisdiction to entertain and decide appeals and applications for revision in any case in which the Provincial Government may have jurisdiction to entertain and decide such appeals and applications. The Provincial Government may, at any time, by like notification cancel any direction issued by it under this sub-section.

The Tribunal to exercise all powers which Provincial Government could have exercised.

5. In the exercise of the jurisdiction conferred upon it under section 4 in any case, the Tribunal shall have and may exercise all the powers which the Provincial Government had or could have exercised in such case.

No appeal to lie.

6. No appeal shall lie against any order passed by the Tribunal in the exercise of its powers of appeal or revision under section 4.

Review of the orders of the Tribunal.

7. (*1*) The Tribunal may, either on its own motion or on the application of any party interested, review its own decision or order in any case and pass in reference thereto such order as it thinks fit:

Provided that no such application made by any party shall be entertained unless the Tribunal is satisfied that there has been a discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of such party or could not be produced by him at the time when its decision was made or that there has been some mistake or error apparent on the face of the record or for any other sufficient reason:

Provided further that no such decision or order shall be varied or revised unless notice has been given to the parties interested to appear and be heard in support of such order.

(*2*) An application for review under sub-section (*1*) by any party shall be made within 90 days from the date of the decision or order of the Tribunal:

Provided that in computing the period of limitation, the provisions of the Indian Limitation Act, 1908, applicable to applications for review of a judgment or order of a civil court shall, so far as may be, apply to applications for review under this section. IX of 1908.

Appeal and application for revision in cases under this Act to lie direct to the Tribunal.

8. Notwithstanding anything to the contrary contained in any law for the time being in force, no appeal or application for revision shall lie to the Commissioner in any case in which an appeal or application for revision lies to the Tribunal under this Act.

Abolition of the Bombay Revenue Tribunal constituted by Government Notification (Revenue Department) No. 4877/33, dated the 1st April 1937 and disposal of pending cases.

9. From the date on which this Act comes into force, the Bombay Revenue Tribunal constituted by Government Notification in the Revenue Department, No. 4877/33, dated the 1st day of April 1937, shall be deemed to have been abolished and all appeals and applications for revision pending before the said Tribunal on the said date shall be deemed to have been instituted before the Tribunal and shall be decided by it as if they were instituted before it.

10. All order passed by the Tribunal shall be executed in the same manner in which similar orders, if passed by the Provincial Government or other competent authority, as the case may be, could have been executed. Manner of executing orders passed by Tribunal.

CHAPTER III.

MISCELLANEOUS.

VII of 1870. **11.** Notwithstanding anything contained in the Court-fees Act, 1870, no court-fee shall be levied on any application made under this Act. Exemption from court fees.

12. (*1*) The Provincial Government may, by notification in the Official Gazette, make rules consistent with the provisions of this Act for carrying out the purposes of this Act, save in regard to the matters specified in section 13. Rules.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for the following matters :—

(*a*) the number and qualifications of members constituting the Tribunal and

(*b*) the manner in which any vacancy in the Tribunal shall be filled.

(*3*) Such rules shall be subject to the condition of previous publication.

13. (*1*) Subject to the previous sanction of the Provincial Government, the Tribunal shall frame regulations consistent with the provisions of this Act and rules made under section 12 for regulating its procedure and the disposal of its business. Such regulations may provide for the disposal of any case or class of cases by one or more of its members. Regulations for the business and procedure of the Tribunal.

(*2*) The regulations made under sub-section (*1*) shall be published in the Official Gazette.

SCHEDULE.

Serial No.	Act.	Jurisdiction.
1	2	3
1	The Bombay Rent-free Estates Act, 1852 (XI of 1852).	Appeals or revisions which lie to the Tribunal under Rule 2 of Schedule A to the Act.
2	The Exemptions from Land-revenue (No. 1) Act, 1863 (II of 1863).	Appeals in revenue cases made under section 13 of the Act.
3	The Exemptions from Land-revenue (No.2) Act, 1863 (VII of 1863).	Appeals in revenue cases made under section 28 of the Act.
4	The Bombay Hereditary Offices Act, 1874 (Bom. III of 1874).	Revision of decisions in revenue cases under section 79 of the Act.
5	The Bombay City Land -revenue Act, 1876 (Bom. II of 1876).	Revision of the Collector's orders in revenue cases under sections 8 and 12 of the Act.
6	The Bombay Abkari Act, 1878 (Bom. V of 1878).	Appeals in revenue cases under section 60 of the Act.

Serial No.	Act.	Jurisdiction.
1	2	3
7	The Bombay Land Revenue Code, 1879 (Bom. V of 1879.)	Appeals and revision in revenue cases under sections 204 and 211 of the Code.
8	The Khoti Settlement Act, 1880 (Bom. I of 1880).	Appeals in revenue cases under section 20 (2) of the Act.
9	The Matadars Act, 1887 (Bom. VI of1887).	Revision of decisions in revenue cases under section 4 of the Matadars Act 1887 (Bom. VI of 1887), read with section 79 of the Bombay Hereditary Offices Act, 1874 (Bom. III of 1874).
10	The Gujarat Talukdars' Act, 1888 (Bom. VI of 1888).	Appeals and revision in revenue cases specified against the Bombay Land Revenue Code, 1879, read with section 33 of the Gujarat Taluqdars' Act, 1888(Bom. VI of 1888).
11	The Indian Mines Act, 1923 (IV of 1923) ..	Revision in revenue cases under section 47 of the Act and appeals and revisions under Government Notification, Revenue Department, No. 1191, dated 5th February 1918.
12	The Indians Forests Act, 1927 (XVI of 1927)	Revision in revenue cases under sections 18 and 22 of the Act.
13	The Bombay (District) Tobacco Act, 1933 (Bom. II of 1933).	Appeals and revision in revenue cases under section 26 of the Act.